

**20881. Misbranding of Breast Tea. U. S. v. 95 Packages of Breast Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29931. Sample no. 21692-A.)**

Examination of a drug preparation, known as Breast Tea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 13, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 95 packages of Breast Tea at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about January 3, 1933, by the E. C. Diez Co., Inc., from New York, N.Y., to Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of comminuted plant material including licorice root, anise seed, coriander fruit, althea root, tussillago leaves, and mullein flowers.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label of the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Breast Tea \* \* \* Is an excellent remedy for all the various affections of the Throat Such as Coughs, \* \* \* Bronchitis, Sore Throat and Hoarseness. \* \* \* Is an excellent \* \* \* remedy against the various affections of the throat and the bronchial tubes and is most effective in colds of all kinds such as coughs, bronchitis, hoarseness and sore throat, etc." Misbranding was alleged for the further reason that the statement on the carton, "Guaranteed \* \* \* Under the Food and Drugs Act, June 30, 1906. Serial number 6376", was misleading, since it created the impression that the article had been examined and approved and that the Government guaranteed that it complied with the law; whereas it had not been approved, and the Government did not guarantee that it complied with the law.

On April 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20882. Adulteration and misbranding of Dr. Lee's Antiseptine powder, and misbranding of Dr. Lee's pills for kidneys, Dr. Lee's Wonderful herb tonic, Dr. Lee's vegetable female cordial, Dr. Lee's Nervine tonic, Dr. Lee's Prescription Number 3566 \* \* \* for \* \* \* kidneys, bladder & backache trouble, and Dr. Lee's rheumatic elixir. U. S. v. Corey Klein Co. Plea of nolo contendere. Fine, \$200. (F. & D. no. 27521. I. S. nos. 29706, to 29713, incl., 30905.)**

This case was based on the interstate shipment of several drug preparations. Examination of the articles disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Three of the products, female cordial, Nervine tonic, and the so-called Prescription No. 3566 were found to contain less alcohol than declared on the labels. Tests of the Antiseptine powder showed that it was not an antiseptic under the conditions of use recommended on the label.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Corey Klein Co., a corporation, Worcester, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of April 28, 1930 and March 24, 1931, from the State of Massachusetts into the State of Pennsylvania, of quantities of Dr. Lee's pills for kidneys, Wonderful herb tonic, vegetable female cordial, Nervine tonic, Prescription Number 3566, and rheumatic elixir, which were misbranded and of a quantity of Dr. Lee's Antiseptine powder, which was adulterated and misbranded.

Analyses of samples of the articles by this Department showed that Dr. Lee's Antiseptine powder consisted essentially of boric acid (92 percent), aluminum sulphate (7.7 percent), salicylic acid (0.08 percent), and small proportions of menthol, thymol, eucalyptol, and methyl salicylate. The article was not antiseptic when used as directed. Dr. Lee's pills for kidneys consisted essentially of material derived from vegetable drugs such as buchu, uva ursi, and pichi; Dr. Lee's Wonderful herb tonic consisted essentially of plant drugs including aloe and sarsaparilla, a small proportion of an iodine compound, methyl salicylate, sassafras oil, alcohol, sugar, and water; Dr. Lee's

vegetable female cordial consisted essentially of extracts of plant drugs such as viburnum, sugar, alcohol (by volume 8.3 percent), and water; Dr. Lee's Nervine tonic consisted essentially of extracts of plant drugs including celery, alcohol (by volume 18.5 percent), sugar, and water; Dr. Lee's Prescription No. 3566 consisted essentially of extracts of plant drugs such as uva ursi, alcohol (by volume 18.3 percent), and water; and Dr. Lee's rheumatic elixir consisted essentially of sodium salicylate (7.8 percent), alcohol, sugar, flavoring material, and water.

The information charged adulteration of the Antiseptine powder in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic, whereas it was not an antiseptic.

Misbranding of the female cordial, Nervine tonic, and Prescription Number 3566 was alleged for the reason that the statement "Alcohol 12%", borne on the carton containing the female cordial, and the statement "Alcohol 24%", borne on the cartons of the Nervine tonic and Prescription Number 3566, were false and misleading, since the articles contained less alcohol than declared on the label. Misbranding of the said female cordial, Nervine tonic, and Prescription Number 3566 was alleged for the further reason that the articles contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Misbranding of the pills for kidneys was alleged for the reason that certain statements appearing on the labels of the packages falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney ailments; effective as a treatment for certain kidney and bladder troubles, and for certain inflammations of the kidneys and bladder, backache, constant desire to urinate, and troubles resulting from an abnormal action of the kidneys; effective as a treatment, remedy, and cure for pain in the back and lumbago; effective as a relief for inflammation of the bladder, and as a treatment for scanty and dark colored urine; and for the further reason that certain statements appearing in a circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney disorders; effective to eliminate uric acid from the kidneys; effective as a treatment, remedy, and cure for kidney and bladder complications which are followed by such symptoms as backache and frequent desire to urinate; effective to preserve the health by keeping the kidneys in good condition; and effective as a treatment, remedy, and cure for lumbago, pains in the back, and high colored and scanty urine.

Misbranding of the herb tonic was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism, lumbago and all disorders caused by uric acid and diseases of the stomach, liver, kidneys, and bowels; effective as a nerve tonic, system cleanser, and system purifier; and effective as a treatment, remedy, and cure for all blood diseases, stomach and liver complaints, rheumatism, enlargement of the liver, diseases of the kidneys, and nervous debility.

Misbranding of the female cordial was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for nervous prostration, sick headache, chronic congestion, inflammation of the womb, irregular or painful menstruation, leucorrhoea, vomiting in pregnancy, and all diseases peculiar to women; effective to relieve pain, and to speedily restore the system wasted by disease to a healthy, normal condition; and effective as a treatment for weakening disorders of the female generative organs in ailments not requiring surgical treatment.

Misbranding of the Nervine tonic was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment for weak and shattered nerves, nervous debility, weakness, despondency, nervous and simple headache, loss of appetite, and other affections of the nervous system; effective as a general tonic; and for the further reason that certain statements appearing in a circular shipped with a portion of the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for destruction of tissue caused by unusual strain due to illness, overwork, or worry; effective as a treatment for tired feeling, physical exhaustion, dyspepsia, indigestion,

and chronic constipation; effective as an alterative and tonic medicine which improves the appetite and general condition; and effective as a treatment, remedy, and cure for jaded nerves, mental exhaustion, and sick or nervous headache.

Misbranding of the Prescription Number 3566 was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment for disorders of the kidneys, bladder and backache trouble; effective as a treatment for preliminary disorders leading to acute and chronic diseases of the kidneys, liver and bladder, uric acid, gravel or stone in the bladder, retention of urine, pain in urinating, thick, sluggish or scanty urine, irritation, inflammation or catarrh of the bladder, pain in the urethra, diabetes, and gout.

Misbranding of the rheumatic elixir was alleged for the reason that certain statements on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism and acute, chronic, inflammatory or sciatic pains, gout, lumbago, and inflammation of the joints; and effective as a treatment for gout, lumbago, kidney ailments of certain kinds, and inflammation of the joints.

Misbranding of the Antiseptine powder was alleged for the reason that the statements, "Antiseptine \* \* \* Antiseptic \* \* \* Directions \* \* \* Increase or diminish according to conditions", borne on the label, were false and misleading, since the article was not an antiseptic when used as directed; and for the further reason that certain statements appearing on the labels of the boxes falsely and fraudulently represented that it was effective as a relief for irritation and soreness of unhealthy and diseased mucous membranes; effective as a remedy for such ailments as catarrhal conditions of the nose and throat, tonsillitis, prickly heat, hives, sunburn, eczema, pruritus, pruritus vulvae, and pruritus ani; effective to reduce temperature; and effective as a treatment for typhoid, pneumonia, scarlet fever, chicken pox, and measles; effective for gastric and intestinal irrigation; and effective as a treatment and remedy for internal hemorrhoids, cystitis, nose and throat irritations, leucorrhea, and vaginal irritation.

On April 17, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20883. Misbranding of Ballard's Golden oil. U. S. v. Isaac A. Ballard (Ballard Golden Oil Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29388. I. S. nos. 38825, 39084.)**

Examination of the drug preparation Ballard's Golden oil disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle labels, wrappers, and circulars.

On March 3, 1933, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Isaac A. Ballard, trading as Ballard Golden Oil Co., Old Town, Maine, alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, between the dates of February 17, 1931 and January 30, 1932, from the State of Maine into the State of Massachusetts, of quantities of Ballard's Golden oil that was misbranded.

An analysis of a sample of the article by this Department showed that it consisted essentially of linseed oil (96 percent) containing small proportions of volatile oils including peppermint oil, cedar oil, organum oil, camphor and methyl salicylate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the bottle label, wrapper, and circular, falsely and fraudulently represented that it was effective as a relief for croup, colic, asthma, common sore throat, whooping cough, muscular rheumatism, lame back, chilblains, fresh wounds, and external pains; effective as a treatment, remedy, and cure for croup, common sore throat, colic, muscular rheumatism; effective as a foe to inflammation, and effective as an emergency remedy for loosening and healing qualities in ailments of children.

On March 29, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*